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*Lead Counsel for the Plaintiffs*

\* Application for leave to appear pro  
hac vice for this case made by  
Motion on February 11, 2008  
pursuant to Local Civil Rule 1.3(c).

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

X

**TOM OGNIBENE, et al.,**

**C.A. No. 08 CV 01335 (LTS) (TDK)**

***Plaintiffs,***

**NOTICE OF MOTION**

**-against-**

**ORAL ARGUMENT REQUESTED**

**SCHWARZ, et al.,**

***Defendants.***

X

PLEASE TAKE NOTICE THAT upon the annexed declaration of Charles Capetanakis,  
Esq. dated the 22<sup>nd</sup> day of April 2008 and the exhibits thereto, the accompanying declaration of  
Plaintiffs Tom Ognibene dated April 11, 2008, the declaration of Sheila Andersen-Ricci dated

April 10, 2008, the declaration of Yvette Velazquez Bennett dated April 11, 2008, the declaration of Martin Dilan dated April 14, 2008, the declaration of Martina Franca Associates, LLC dated April 10, 2008, the declaration of Robert Perez dated April 21, 2008, the declaration of Fran Reiter, dated April 9, 2008, the declaration of Reiter/Begun Associates, LLC dated April 10, 2008, the declaration of Michele Russo dated April 9, 2008, the declaration of Marlene Tapper dated April 10, 2008, and the declaration of Viviana Vazquez-Hernandez dated April 22, 2008, the accompanying memorandum of law and the papers in support thereof, Plaintiffs shall move before the Hon. Laura Taylor Swain, United States District Judge, on May 23, 2008, at 9:30 a.m., at the United States Courthouse, 500 Pearl Street, New York, New York for a preliminary injunction as follows:

1. As set out more fully in Plaintiffs' Amended Complaint and the accompanying Memorandum of Law, certain sections of New York City's Campaign Finance Act violates the Plaintiffs' rights under the First and Fourteenth Amendments to the United States Constitution. Specifically, the Plaintiffs cannot be subjected to New York City Administrative Code §§ 3-702(3), 3-703(1)(l), and 3-703(1-a) without depriving them of their constitutional rights of free speech, association, and equal protection;

2. As explained in the accompanying Memorandum of Law, Plaintiffs satisfy the requirements for preliminary injunctive relief to be granted. Plaintiffs have established that, absent relief, they will be irreparably harmed. Plaintiffs have also demonstrated a likelihood of success on the merits. In the alternative, Plaintiffs meet the 'fair ground for litigation' test. They have demonstrated that this case presents sufficiently serious questions going the merits to make

them a fair ground for litigation, and the balance of hardships tips decidedly in Plaintiffs' favor; and

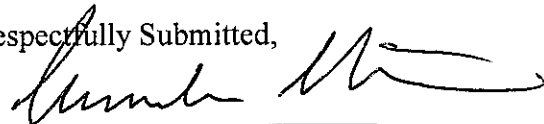
3. Because a preliminary injunction presents no monetary risks to Defendants, Plaintiffs request that bond be waived. Fed.R.Civ.P. 65(c).

4. Plaintiffs request that oral argument be scheduled for this motion.

PLEASE TAKE FURTHER NOTICE THAT responsive papers must be served upon the undersigned in accordance with the Federal Rules of Civil Procedure, the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, and this Court's Individual Practices.

Dated: New York, New York  
April 24, 2008

Respectfully Submitted,



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